

REMARKS

This amendment is offered in response to the Office Action of September 21, 2004.

Claim 43 has been amended in response to the rejection under 35 U.S.C. §112, second paragraph.

With respect to the provisional obviousness-type double patenting rejection, the Applicant respectfully requests that this rejection be deferred. The Applicant will file terminal disclaimers, if necessary, after the applications are otherwise in condition for allowance.

The Office Action rejects Claims 34-37 and 39-45 under 35 U.S.C. §102(b) as being anticipated by the Strand reference (U.S. Patent No. 6,360,513). Likewise, Office Action rejects Claims 38 and 46 under 35 U.S.C. §103(a) as being obvious over the Strand reference. The Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) is not supported as there is no indication of publication of the Strand reference by May 21, 1998 – one year prior to the effective filing date of the present application. It is therefore respectfully submitted that these rejections are overcome.

Further, it is noted that application serial no. 10/216,881, the parent application of the present application, has copied claims from the Strand reference for the purpose of provoking an interference.

The Office Action rejects Claims 34-37, 39 and 41-45 under 35 U.S.C. §102(e) as being anticipated by the Herber reference (U.S. Patent No. 5,519,982) and similarly rejects Claims 34-46 under 35 U.S.C. §103(a) as being obvious over the Herber reference in view of the Gilbert reference (United Kingdom Patent No. 2,085,519) or the Gilbert reference in view of the Herber reference. At the outset, the Applicant objects to the statement that “little patentable weight is given to the presence of the zipper on the slider since no manipulative steps are set forth in these

claims regarding the slider". At a minimum, such as absence of a claimed element should preclude an anticipation rejection under 35 U.S.C. §102. Further, the presence of a slider is not an inconsequential matter with respect to the design of a reclosable bag. In the Herber reference, for instance, in Figs. 3, 4 and 5, the entire base of the profiles is sealed to the web of the bag. There is nothing in the Herber reference or the Gilbert reference which would disclose or suggest the modification of the Herber reference to change the profile structure in order to accommodate a slider.

It is therefore respectfully submitted that the above rejections with respect to Herber and Gilbert are overcome.

Moreover, the additional prior art cited by the Examiner has been reviewed but is not considered any more pertinent than the reference applied against the claims by the Examiner and distinguished herein.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



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